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Winchester passes ADU with no site plan review

NELL ESCOBAR COAKLEY | STAFF WRITER

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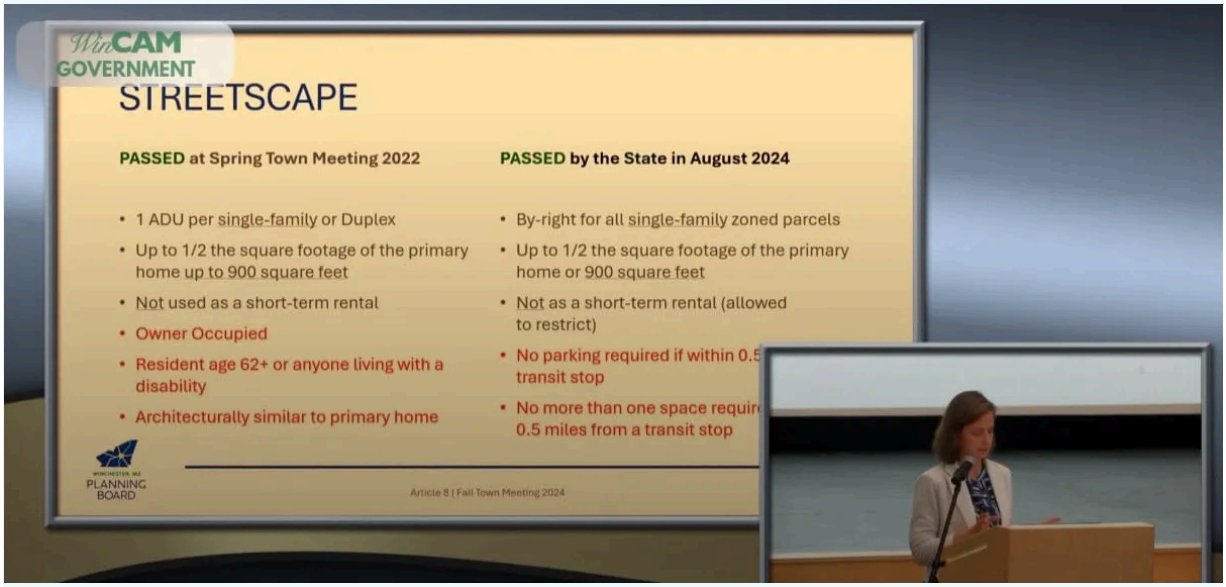

Planning Board Chair Keri Layton explains the differences between Winchester's 2022 bylaw and the new state law passed this year during the Nov. 7 meeting. WINCHESTER NEWS/WINCAM STAFF PHOTO/NELL ESCOBAR COAKLEY

The battle over whether to include site plan review as a requirement in Winchester's updated Accessory Dwelling Unit (ADU) bylaw laste

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the evening the first night of Town Meeting as members debated the spirit of the original 2022 statute with the state law passed this August.

Passed with a resounding majority of 104-46 in 2022, Winchester's current ADU bylaw states the units may be built on both single or two-family lots "to create housing for people age 62+ and for those with disabilities. Many people wish to live near familiar systems: multigenerational family members, friends, activities, services, and medical care. ADUs are a flexible housing option that makes this possible."

There are several requirements in the town's bylaw for ADUs, including that the property must be "a primary residence of either the owner of the property or the beneficiary of the trust that owns the property." The ADU must also function as a separate dwelling, with two independent exits, living space, cooking facilities and a full bathroom.

State law, which will go into effect on Feb. 2, 2025 allows ADUs under 900 square feet by right on single-family lots. The ADUs can be attached or detached and can take the shape of a basement or attic conversion, a backyard dwelling or addition to a home. The ADU may also be no larger in gross floor area than one half of the gross floor area of the principal dwelling unit on the property.

Planning Board Chair Keri Layton said state law will supersede Winchester's bylaw, effectively removing the owner occupied, age, disability and architectural requirements set by the town two years ago.

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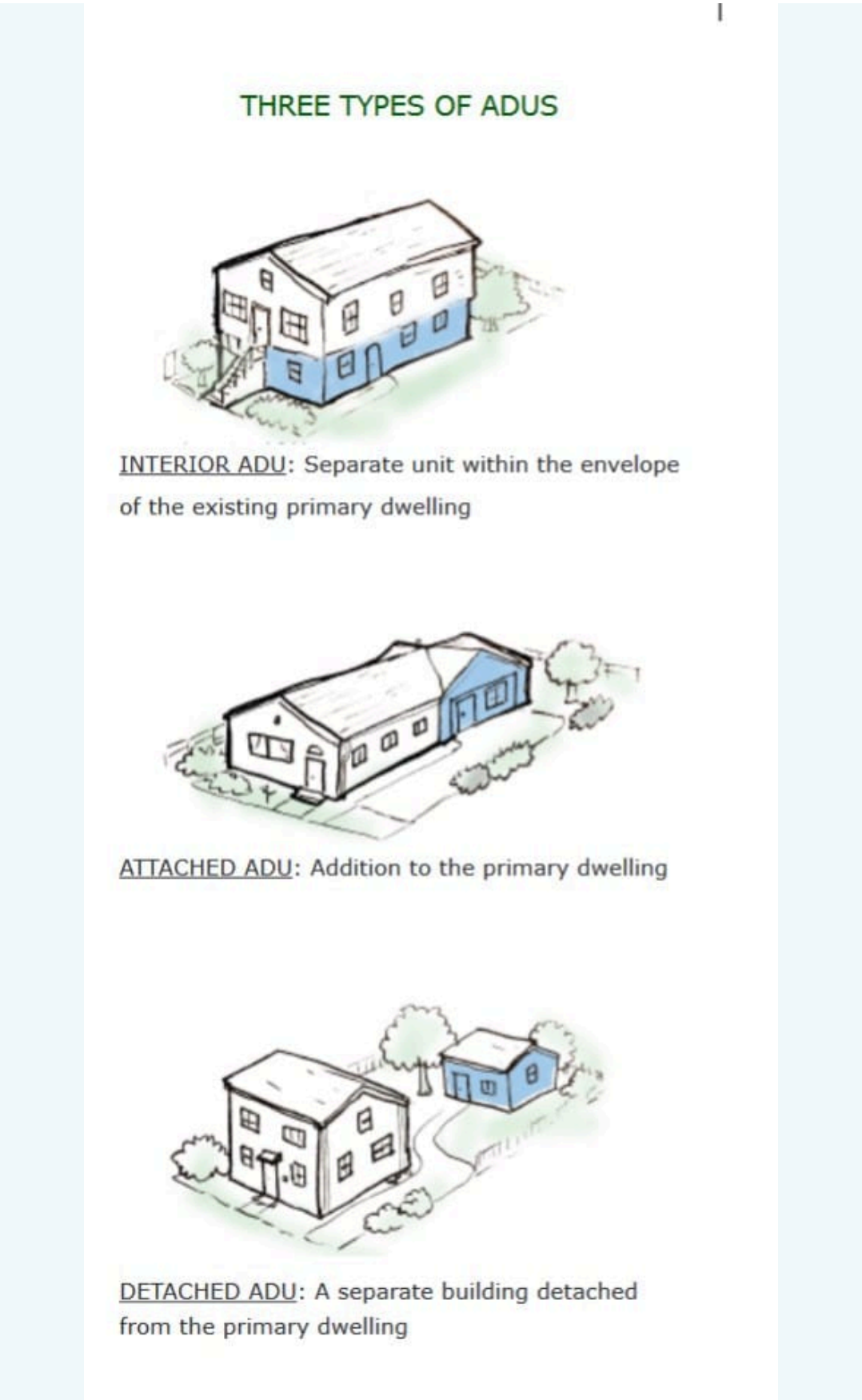

A look at what ADUs can be in the town of Winchester. COURTESY PHOTO/TOWN OF WINCHESTER

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Layton said a provision for site plan review was added in order to give the town some extra control over the ADU permitting process.

Town Counsel Jay Talerman said site plan review was allowed under the new state law. He added his law firm had helped several communities update their ADU bylaws, with many choosing to add site plan review in various formats.

Layton added the Planning Board is aware how cumbersome and expensive site plan review can be, especially for the populations the town is hoping will use the bylaw.

However, she said the town would be unable to either streamline or waive the process.

Boards split on review

Site plan review had several town boards and commissions split over whether or not to support the Planning Board's bylaw as currently written. Select Board Chair Michelle Prior said her board was in favor, 4-1, of the updated bylaw, but was very concerned over site plan review.

Affordable Housing Trust Chair Marty Jones said her board strongly advocated and supported the ADU bylaw in 2022, but could not support the current bylaw.

"Winchester's review process is rigorous," she said. "Site plan review includes going before four or five town committees. It's excessive regulation."

She added the trust would support the measure only if site plan review was dropped.

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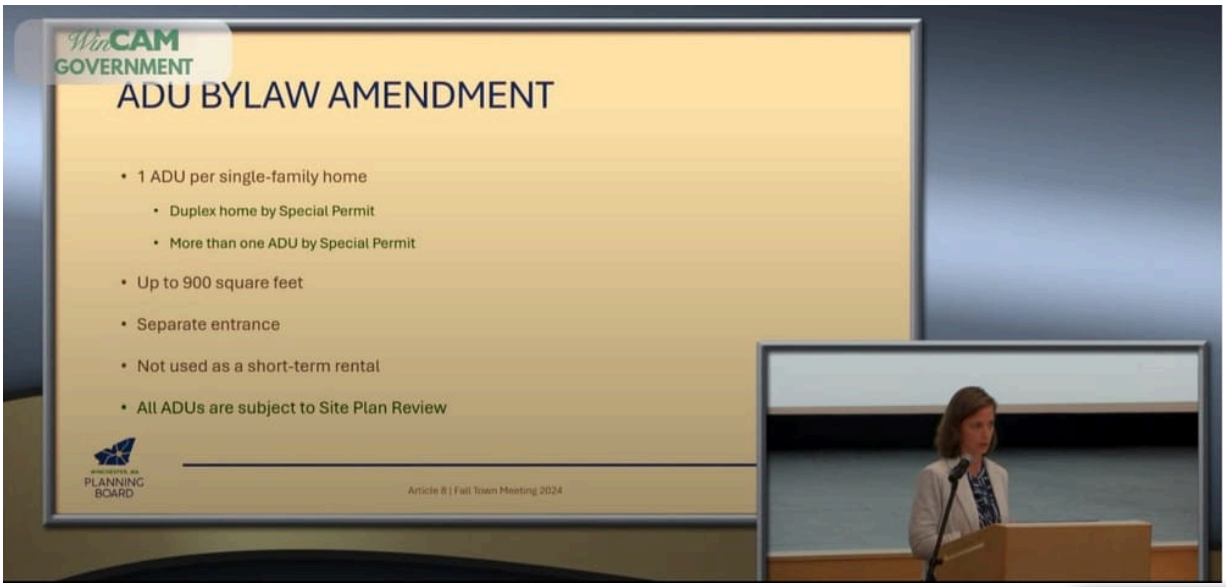
For the Housing Partnership Board, the request was for indefinite postponement of the ADU update. Chair John Suhrbier recommended the town wait until the state could further offer communities guidelines and then make adjustments in the spring.

Town Meeting members were also split on site plan review.

"The argument for no site plan review is flawed," said Ann Sera, of Precinct 1, adding there was real worry over whether or not someone could add a second home in an area zoned for single-family homes.

Planning Board member Diab Jerius said he was speaking Thursday night not as a town official, but as a Town Meeting member from Precinct 8 when he suggested the site plan review issue was too difficult to disentangle.



Planning Board Chair Keri Layton speaks to Town Meeting on Nov. 7. WINCHESTER NEWS/WINC PHOTO/NELL ESCOBAR COAKLEY

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Jerius suggested Town Meeting indefinitely postpone Article 8 because it would cause “a significant burden” on the two populations the ADU was meant to help — seniors and people with disabilities.

“I urge the Planning Board to look at it again,” he said. “The language does more harm than good.”

When asked what the Planning Board thought of indefinite postponement, Layton said the board itself was conflicted over the site plan review and was not looking to increase the expense or burden on anyone. She said the board would leave it up to Town Meeting’s discretion on what to do.

Back and forth amendments

Town Meeting debated the idea of indefinite postponement, with members going back and forth over whether to support the idea. Some said having nothing in place between the Feb. 2 date and spring Town Meeting was a bad idea because the timeframe left Winchester with no way to control the ADU process.

Building Commissioner Tom Kennedy was called upon to give Town Meeting an idea of how many ADU permits have been taken out so far under the current bylaw.

Kennedy said there have been plenty of inquiries, but only six applications. He said one is complete, while five are in the process. He added there’s definitely interest in building ADUs in Winchester.

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A look at three different types of ADUs in different communities. COURTESY PHOTOS

While debate was going on, a Town Meeting member called a vote to stop the debate. Although 80 people voted yes, the motion failed because a 2/3 vote, or 90 votes, was required.

Town Moderator Heather von Mering returned to the original amendment debate, regarding whether or not to indefinitely postpone. Despite a few more back-and-forths, von Mering moved the question, adding the vote was a simple majority.

The amendment to indefinitely postpone Article 8 failed, with 87 people wanting to continue the debate to the 52 who wanted to end it.

Back to site plan review

Despite the late hour and heavy debate, Town Meeting members were determined to finish the question of Article 8.

Chris Nixon, of Precinct 1, eventually brought the question back to site plan review, making an amendment to strike subsection 10, which required "all ADUs" be subject to site plan review.

Layton said at that point in the evening, the Planning Board would be taking no position on the amendment, allowing Town Meeting to make the final decision. She added that personally, her recommendation was to keep the site plan review.

The Select Board, however, was in favor of the amendment in a 4-1 vote.

But before Town Meeting could vote, Precinct 5 member Peter Ch[illegible] moved the matter be tabled and taken up as the last item on the [illegible] of Town Meeting.

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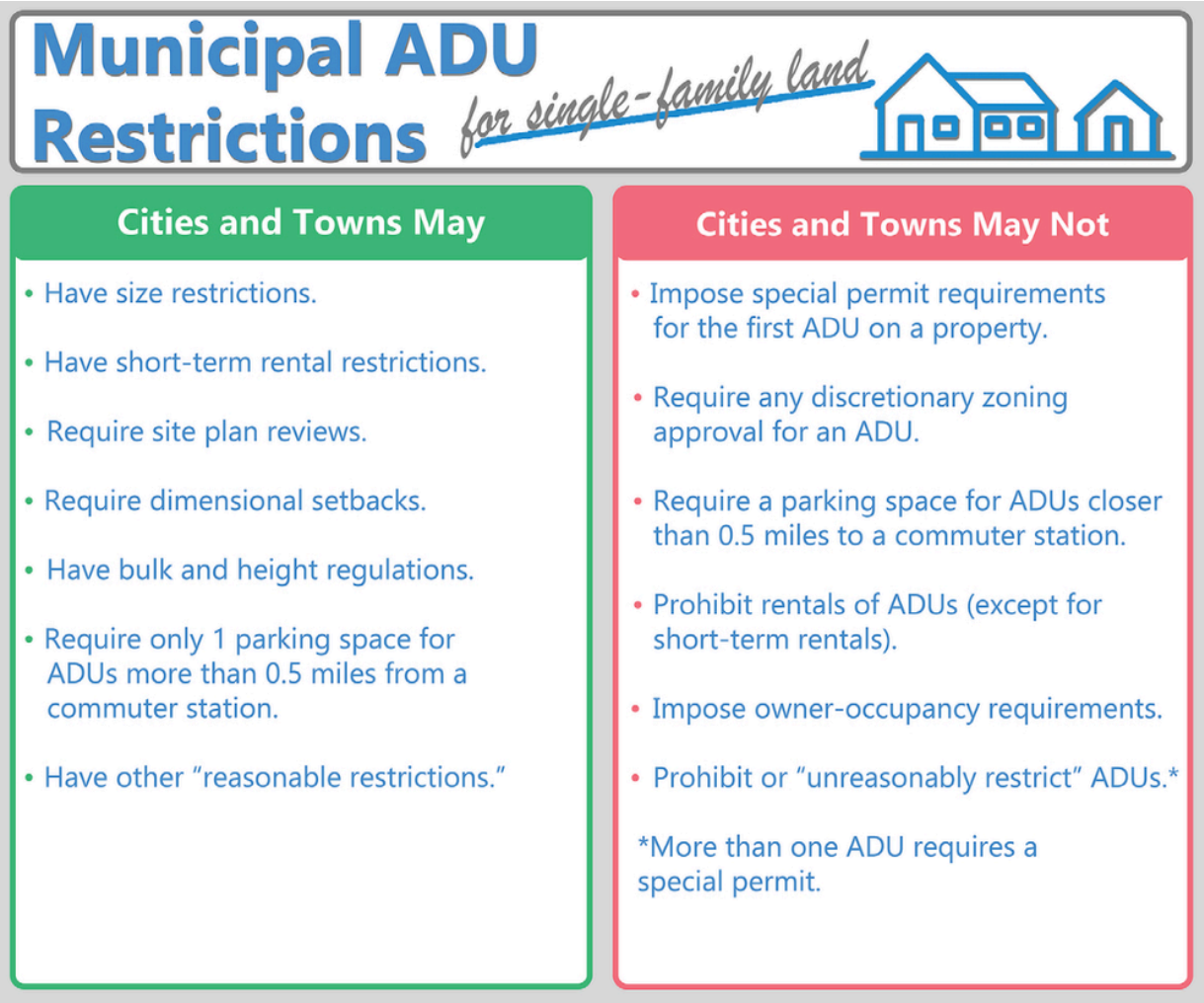
"I don't want to take this up at another meeting," Layton joked. "All the info is on the table now."

Town Meeting turned down the motion to table in a 72-65 vote.



A quick look at what cities and towns can and cannot do under the new state ADU law. COURTESY PHOTO/MASSLANDLORDS.NET

After even more debate, von Mering asked members to vote on Nixon's amendment on whether or not to strike site plan review once and for all. With 70 votes in the affirmative and 62 in the negative, the motion passed.

Von Mering then moved members back to the original question of whether or not to update the ADU bylaw, without site plan review.

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"I will vote no because there's no teeth to this now," said Planning Board member Brian Vernaglia.

Before the final vote, Town Meeting members questioned if they could bring the matter up again in the spring. Talerman assured members that if they wanted to make further updates to the ADU bylaw they definitely could.

Late in the evening, Town Meeting finally took up a final vote on Article 8 as amended without site plan review, with 78 votes yes and 53 votes no.

Town Meeting will meet again on Thursday, Nov. 14 at 6:30 p.m., with the Specialized Energy Code (Article 9) expected to be first on the agenda followed by capital planning requests.

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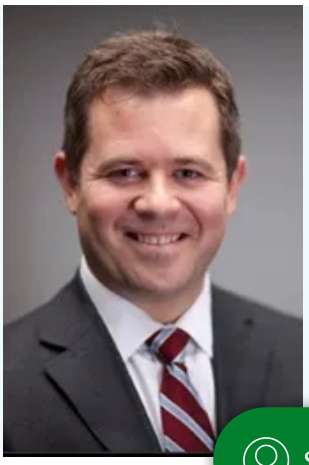

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Rep. Michael Day helps House colleagues pass sweeping energy affordability bill

The following was submitted by the Office of Rep. Michael S. Day: Rep. Michael S. Day and his colleagues in the House of Representatives recently passed energy affordability legislation that would result in over $9 billion in savings for utility ratepayers over the next 10 years. The bill maintains critical

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Winchester gun owners face new training rules starting April 2

Public safety data How Winchester compares on firearms licenses in comparable Massachusetts communities Active licenses as of Jan. 25, 2025 — Source: Massachusetts Criminal History Systems Board License to carry firearms Firearms identification card Winchester and Marblehead are the focus communities. Peers selected based on comparable population size, demographics and suburban

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Sen. Jason Lewis, Mass. Senate strengthen fair housing protections for renters, buyers

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By Talia Ho | Correspondent Fame. Fortune. And all that jazz. This spring, Winchester High School presents “Chicago: Teen Edition,” a bold musical that explores celebrity culture, media manipulation, and the cost of ambition. This iconic production is set in the 1920s. Performances will take place on March 13 and 14

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Welcome Here’

The following was submitted by the Ripley Chapel at First Congregational Church: On Friday, March 13, beginning at 7:30 p.m., live in-person and live streamed from the stunning Ripley Chapel at First Congregational Church, Winchester, 21 Church St., join in with Syldason, a duo concert featuring Sylvie Zakarian,

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